REMARKS/ARGUMENTS

In paragraph 1 of the Detailed Action, the Examiner has indicated that arguments filed with respect to the rejection of claims 24 and 25 under U.S.C. 102(b) as being anticipated by *Comroe* have been fully considered and are persuasive. Paragraph 2, however, indicates that arguments with respect to claims 1-3, 5-14, 17, 18, and 26-29 regarding their distinction over *Comroe* have been fully considered but are not persuasive. In particular, the Examiner asserts that these latter claims do not require a dormant mode for hard handoffs.

Each of the rejected independent claims 1, 17, 21, 23, and 26 has been amended to clearly recite a dormant mode for hard handoff.

Claim 1, for example, now reads as follows:

A computing apparatus for handling hard handoffs within a wireless network in which mobile terminals can be in communication with a first radio sector, the computing apparatus comprising:

hard handoff determination logic that operates to determine if a hard handoff from the first radio sector to a second radio sector is desirable for at least one mobile terminal; and

network resource allocation logic that is triggered by the hard handoff determination logic, if the hard handoff is necessary, and operates to request allocation of at least one network resource associated with the second radio sector for at least one mobile terminal; to determine if the allocation of the at least one network resource associated with the second radio sector is successful; and, if the allocation fails, to request the at least one mobile terminal be placed within a dormant mode, in which communication between the at least one mobile terminal and the first radio sector is suspended.

Thus, claim 1 as amended clearly recites hard handoff determination logic which determines if a hard handoff from the first radio sector to the second radio sector is desirable for at least one mobile terminal, and network resource allocation logic that is triggered by the

hard handoff determination logic, if the hard handoff is necessary. The network resource allocation logic requests that the at least one mobile terminal be placed within a dormant mode, in which communication between the at least one mobile terminal and the first radio sector is suspended, if allocation of at least one network resource associated with the second radio sector fails. Independent claims 17 and 26 have been amended in a similar manner.

Claims 21 and 23 have been amended to incorporate an operation of "determining if a hard handoff from the first radio sector to the second radio sector is desirable for the mobile terminal". Claim 21 has been further amended to recite the attempting operation as "attempting to allocate at least one network resource associated with the second radio sector to the mobile terminal if the hard handoff is desirable". In claim 23, the determining operation has been similarly amended and now reads "determining if network resources of the second radio sector are sufficient for the mobile terminal if the hard handoff is desirable". If the allocation of the at least one network resource fails (claim 21) or the network resources of the second radio sector are not sufficient for the mobile terminal (claim 23), then the mobile terminal is requested or instructed to be placed within a dormant mode in which communication between the mobile terminal and the first radio sector is suspended. Thus, a dormant mode for hard handoff is also clearly recited in independent claims 21 and 23 as amended.

Comroe, on the other hand, fails to teach or suggest any such dormant mode during hard handoff. According to *Comroe's* teaching of a handoff procedure at column 7 lines 12-49, no mention is made of requesting or instructing that a mobile terminal be placed in a dormant mode in the event that resource allocation fails or resources are not available, as recited in each of the independent claims 1, 17, 21, 23, 24, and 26. In fact, *Comroe* teaches *away* from the invention as recited in the claims, by stating that "If a communication resource is not immediately available, **the call continues in the second communication region**" [emphasis added] (column 7 lines 45-47). Clearly, a dormant state for a mobile terminal during hard handoff is not contemplated in *Comroe* given the teaching in this reference to proceed to a second communication region.

The previous arguments made with respect to claim 24, which the Examiner found to be persuasive, are also reiterated in respect of all of the independent claims. Although the Examiner suggests that *Comroe* discloses that a mobile terminal, during a hard handoff procedure, can be forced into a dormant mode if the attempt to allocate at least one network

resource fails, Applicant notes that column 6 of *Comroe* does not apply to a method of hard handoff; it only applies to the method of initial access to a communication system in which a mobile terminal does not have a communication link in a first radio sector; handoff of any kind is neither disclosed nor suggested in this instance.

It is therefore respectfully submitted that the independent claims 1, 17, 21, 23, 24, and 26, as well as the dependent claims 2, 3, 5-14, 18, 20, 22, 25, and 27-29 which depend therefrom, are not anticipated by *Comroe* for at least these reasons, and that the rejection of claims 1-3, 5-14, 17, 18, 20-23, and 26-29 under 35 U.S.C. 102(b) based on *Comroe* should be reconsidered and withdrawn.

Claims 24 and 25 have been rejected under 35 U.S.C. 102(e) as being anticipated by *Purnadi* (U.S. Patent No. 6,708,031). According to paragraph 5 of the Detailed Action, the Examiner believes that *Purnadi* discloses a wireless communication network comprising first and second Radio Access Ports (RAPs) that operate to communicate with mobile terminals within at least first and second radio sectors respectively; and a computing apparatus that operates: (a) to detect if a mobile terminal communicating with the first RAP requires a hard handoff from the first radio sector to the second radio sector; (b) to attempt to allocate at least one resource associated with the second RAP to the mobile terminal if a hard handoff is required; and to request the mobile terminal to be placed into a dormant mode if the attempt to allocate the at least one resource fails. In making this assertion, reference is made to column 4, lines 52-61, column 5, lines 1-10, and column 9, line 62 to column 10, line 24.

However, *Purnadi* merely refers to dormant handoffs without providing any information at all as to how or under what conditions a mobile station may enter a dormant mode. *Purnadi* does not disclose, teach, or even suggest a computing apparatus that operates in the manner recited in claim 24, to detect if a mobile terminal communicating with a first RAP requires a hard handoff from a first radio sector to a second radio sector, to attempt to allocate at least one resource associated with a second RAP to the mobile terminal if a hard handoff is required, and to request the mobile terminal to be placed into a dormant mode if the attempt to allocate the at least one resource fails.

It is therefore respectfully submitted that claim 24, and thus claim 25 which depends therefrom, is not anticipated by *Purnadi*. Reconsideration and withdrawal of the rejection of claims 24 and 25 under 35 U.S.C. 102(e) based on *Purnadi* is also respectfully requested.

Regarding the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over *Comroe* in view of *Baiyor* (U.S. Patent No. 6,282,429), claim 5 depends from claim 1 and thus distinguishes over *Comroe* for at least the above reasons. *Baiyor* also fails to teach or suggest at least the above features of independent claim 1, and it is therefore respectfully submitted that claim 5, by virtue of its dependence upon claim 1, is not obvious in view of *Comroe* and *Baiyor*, and that the rejection of claim 5 should be reconsidered and withdrawn.

Claims 6, 8, 12, 13, and 20, which were also rejected under 35 U.S.C. 103(a) as being unpatentable over *Comroe* similarly depend from one of the independent claims, and thus also distinguish over *Comroe* for at least the above reasons. The features discussed in detail above would not have been obvious to a person of ordinary skill in the art at the time of the invention.

In view of the forgoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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